

## Senate Resolution 56

(Address by Hon. Will D. Pace.)

Senator Chadick, by unanimous consent, offered the following resolution:

Whereas, Hon. Will D. Pace, former distinguished Member of the Senate is in the Capitol; and

Whereas, Senator Pace during his service endeared himself to the Members of the Senate and is always welcome; now, therefore, be it

Resolved, That Senator Pace be invited to address the Senate and that he be extended the privileges of the floor for today.

CHADICK,  
MOORE,  
VICK.

The resolution was read, and by unanimous consent, it was considered at this time and was adopted.

Accordingly, the President pro tempore appointed Senators Chadick, Lane, and Vick as a committee to escort Hon. Will D. Pace to the President's stand.

The committee performed the duty assigned it, and Senator Chadick presented Honorable Will D. Pace, who addressed the Senate briefly.

## Bills and Resolutions Signed

The President pro tempore signed, in the presence of the Senate, after their captions had been read, the following bills and resolutions:

H. B. No. 225, A bill to be entitled "An Act to authorize the appointment and employment of a 'Night Chief Deputy' in addition to the first assistant or Chief Deputy now authorized, in the sheriff's office in all counties having a population of five hundred thousand (500,000) or more, according to the last preceding Federal Census, fixing the salary, the method and manner of making the appointment and employment, requiring two years prior service as deputy sheriff as a prerequisite to this appointment, etc.; and declaring an emergency."

H. B. No. 266, A bill to be entitled "An Act to amend Subdivision 36 of Article 199, Title 8 of the Revised Statutes of Texas, 1925, so as to change the time and terms of holding the terms of District Court in

Aransas, San Patricio, Bee, Live Oak, and McMullen Counties, constituting the 36th Judicial District of Texas; etc.; and declaring an emergency."

S. B. No. 45, A bill to be entitled "An Act amending Article 3244, 3284 and 3245 of Title 51, Chapter 3, of the Revised Civil Statutes of 1925 so as to change the method of filing application for admission to State Tuberculosis Sanatorium, and repealing Article 3247 of the Revised Civil Statutes of 1925; and declaring an emergency."

H. C. R. No. 44, Authorizing S. T. Dunn and others to sue the State.

H. C. R. No. 58, Authorizing correction in enrolled copy of H. B. No. 241.

S. C. R. No. 29, Recalling S. B. No. 137 from the Governor and authorizing a correction therein.

## Request to Re-refer House Bill 635

Senator Metcalfe asked unanimous consent that H. B. No. 635 be referred from the Committee on Public Lands and Land Office to the Committee on State Affairs.

The President pro tempore announced there was objection to the request.

## Adjournment

Senator Moffett moved that the Senate adjourn until 10:00 o'clock a. m. tomorrow.

The motion prevailed; and the Senate, accordingly, at 12:15 o'clock p. m., adjourned until 10:00 o'clock a. m. tomorrow.

## THIRTY-THIRD DAY

(Thursday, March 11, 1943)

The Senate met at 10 o'clock a. m., pursuant to adjournment, and was called to order by President pro tempore Mauritz.

The roll was called, and the following Senators were present:

Aikin	Metcalfe
Beck	Kelley
Brownlee	Lane
Bullock	Lanning
Chadick	Lovelady
Graves	Martin
Hazlewood	Mauritz
Jones	Moffett

Moore  
Morris  
Ramsey  
Shivers  
Spears  
Stone

Sulak  
Vick  
Weinert  
Winfield  
York

A quorum was announced present.

Rev. S. B. Culpepper, Chaplain, offered prayer.

On motion of Senator Aikin, and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

#### Leave of Absence Granted

Senator Cotten was granted leave of absence for today and indefinitely on account of illness, on motion of Senator Lovelady.

#### Reports of Standing Committees

Senator Moffett submitted the following reports:

Austin, Texas,  
March 11, 1943.

Hon. Fred Mauritz, President pro tempore of the Senate.

Sir: We, your Committee on State Affairs to whom was referred S. B. No. 262, have had same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

MOFFETT, Vice Chairman.

Austin, Texas,  
March 11, 1943.

Hon. Fred Mauritz, President pro tempore of the Senate.

Sir: We, your Committee on State Affairs to whom was referred S. B. No. 266, have had same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

MOFFETT, Vice Chairman.

Austin, Texas,  
March 11, 1943.

Hon. Fred Mauritz, President pro tempore of the Senate.

Sir: We, your Committee on State Affairs to whom was referred H. C. R. No. 56, have had same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

MOFFETT, Vice Chairman.

Austin, Texas,  
March 11, 1943.

Hon. Fred Mauritz, President pro tempore of the Senate.

Sir: We, your Committee on State Affairs to whom was referred S. B. No. 161, have had same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

MOFFETT, Vice Chairman.

Austin, Texas,  
March 11, 1943.

Hon. Fred Mauritz, President pro tempore of the Senate.

Sir: We, your Committee on State Affairs to whom was referred S. C. R. No. 28, have had same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

MOFFETT, Vice Chairman.

Austin, Texas,  
March 11, 1943.

Hon. Fred Mauritz, President pro tempore of the Senate.

Sir: We, your Committee on State Affairs to whom was referred S. B. No. 255, have had same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do not pass but that the Committee substitute pass in lieu thereof and be printed.

MOFFETT, Vice Chairman.

Austin, Texas,  
March 10, 1943.

Hon. Fred Mauritz, President pro tempore of the Senate.

Sir: We, your Committee on State Affairs to whom was referred H. B. No. 264 have had same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

MOFFETT, Vice Chairman.

Senator Stone submitted the following reports:

Austin, Texas,  
March 11, 1943.

Hon. Fred Mauritz, President pro tempore of the Senate.

Sir: We, your Committee on Criminal Jurisprudence to whom was re-

ferred S. B. No. 222, have had same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

STONE, Chairman.

Austin, Texas,  
March 11, 1943.

Hon. Fred Mauritz, President pro tempore of the Senate.

Sir: We, your Committee on Criminal Jurisprudence to whom was referred S. B. No. 257, have had same under consideration, and I am instructed to report it back to the Senate with the Committee amendment, with the recommendation that it do pass and be printed, as amended.

STONE, Chairman.

Austin, Texas,  
March 11, 1943.

Hon. Fred Mauritz, President pro tempore of the Senate.

Sir: We, your Committee on Criminal Jurisprudence to whom was referred S. B. No. 260, have had same under consideration, and I am instructed to report it back to the Senate with Committee amendment, with the recommendation that it do pass and be printed.

STONE, Chairman.

Austin, Texas,  
March 11, 1943.

Hon. Fred Mauritz, President pro tempore of the Senate.

Sir: We, your Committee on Criminal Jurisprudence to whom was referred S. B. No. 261, have had same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

STONE, Chairman.

Austin, Texas,  
March 11, 1943.

Hon. Fred Mauritz, President pro tempore of the Senate.

Sir: We, your Committee on Criminal Jurisprudence to whom was referred S. B. No. 267, have had same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

STONE, Chairman.

### Senate Bills on First Reading

The following bills were introduced, read first time, and referred to the committees indicated:

By Senators Jones and Aikin:

S. B. No. 285, A bill to be entitled "An Act to amend Subdivision 6 of Article 199, Title 8, of the Revised Civil Statutes of Texas of 1925, the same fixing the time and prescribing the number of terms of District Court in and for the Sixth Judicial District of Texas, and further providing that the Judge of the Sixth Judicial District shall convene a grand jury in Fannin County at only two terms of said court in each year, unless in his judgment it be necessary for a grand jury at other terms, and repealing all laws in conflict herewith; and declaring an emergency."

To the Committee on Civil Jurisprudence.

By Senator Stone:

S. B. No. 286, A bill to be entitled "An Act to amend H. B. No. 73, An Act passed by the First Called Session of the Thirty-third Legislature of the State of Texas to create a more effective road system for Galveston County, Texas, making county commissioners of said county ex-officio precinct road commissioners and prescribing their duties as such, etc., by adding Section 2a providing for additional duties of the county commissioners and by adding Section 2b providing for the payment of traveling expenses to the county commissioners, for the use of their private automobiles, when incurred only in the performance of their duties pertaining to the maintenance of the public road and highways of said county; and declaring an emergency."

Referred to Committee on Counties.

By Senator Brownlee:

S. B. No. 287, A bill to be entitled "An Act extending non-producing oil, gas and mineral leases granted by the State of Texas on University lands where Federal or State restrictions in effect 120 days before the expiration of the primary term prohibit the owner from drilling, completing or using materials in the drilling or completion of a well, repealing all laws

in conflict herewith; and declaring an emergency."

To Committee on Oil, Gas, and Conservation.

By Senator Brownlee:

S. B. No. 288, A bill to be entitled "An Act amending Sections 1 and 12 of Chapter 253, Acts of the Fortieth Legislature, page 373, as amended by Acts of the Forty-fifth Legislature, Chapter 335, page 671, by adding a new Section thereto to be known as Section 1a, providing that the commissioner shall not promulgate or put in force any order, rule, regulation, or rate without notice and hearing, and providing the procedure therefor, and providing for appeals from the action of the commissioner to the District Courts of Travis County, Texas, and to the Appellate Courts, prescribing the method of trial and appeal; and declaring an emergency."

To Committee on Highways and Motor Traffic.

By Senator Hazlewood:

S. B. No. 289, A bill to be entitled "An Act to regulate the business of making loans of money in amounts of Six Hundred (\$600.00) Dollars or less; defining certain terms; providing certain exemptions; appointing the banking commissioner to issue and revoke licenses and promulgate rules and regulations for administration of Act and providing for judicial review of his decisions; providing certain qualifications and duties for licensee; the filing of a bond and the payment of certain fees and disposition thereof with exceptions as to part of fees for places of business in operation as of January 1, 1943; defining interest and limiting the rates of interest and amounts of expense charges; providing penalties for the violation thereof; regulating the purchase of assignment of wages in amounts of Six Hundred (\$600.00) Dollars or less; providing means for purchaser to be informed of elements of loan; authorizing the making of investigations and examinations and charges thereof; prohibiting the commission or omission of Acts constituting in law fraud or fraudulent practices; providing that violation of certain provisions of this Act shall constitute a misdemeanor and shall be punishable by fine of not more than Five Hundred (\$500.00) Dollars or

imprisonment of not more than six months or both and shall render contract of loan void; providing for the designation of a person for service of process; providing that the Attorney General may enjoin violations of the Act; providing for the repeal of Article 6165a of Title 107, Section 14, of Article 7047 of Title 122, entitled 'loan brokers,' and Section 15 of Article 7047 of Title 122, entitled 'money lenders' of the Revised Civil Statutes of Texas, and Article 1129a, Title 14 of Chapter 12 of the Penal Code defining, regulating, and taxing loan brokers; repealing Articles 5069, 5071, 5073, Title 79, Revised Civil Statutes of Texas in so far as they are inconsistent with this Act; and providing for the repeal of all Acts and parts of Acts, whether General, Special, or Local, which relate to the same subject matter as this Act so far as they are inconsistent with the provisions of this Act; providing that Act shall be void as a whole if any part thereof is held unconstitutional; and declaring an emergency."

To Committee on Banking.

By Senator Hazlewood:

S. B. No. 290, A bill to be entitled "An Act making it unlawful to hunt, shoot, or kill any wild deer and/or non-migratory game bird for a period of four (4) years from and after the effective date of this Act in the County of Randall, State of Texas; fixing a penalty; repealing all laws and parts of laws in conflict herewith in so far as they apply to Randall County; and declaring an emergency."

To Committee on Game and Fish.

By Senator Vick:

S. B. No. 291, A bill to be entitled "An Act amending Title 53 of the Revised Civil Statutes by adding thereto, immediately after Article 3273, a new Article to be known as Article 3273a, authorizing the Comptroller of the State of Texas to contract with attorney or attorneys to enforce or assist in the recovery of property escheated to the State of Texas; and authorizing the inspection and examination of persons and records thought by the Comptroller or said employed attorney to have or provide information which might reveal escheated property, and providing penalties for the refusal to submit

to examination or permit inspection of records; and declaring an emergency."

To Committee on State Affairs.

By Senator Vick:

S. B. No. 292, A bill to be entitled "An Act amending Section 2 of Article 4725 of the Revised Civil Statutes of Texas, 1925, as amended by Acts 1929, Forty-first Legislature, page 497, Chapter 237, as amended by Acts 1931, Forty-second Legislature, page 256, Chapter 153, as amended by Acts 1935, Forty-fourth Legislature, page 28, Chapter 10, as amended by Acts 1937, Forty-fifth Legislature, page 330, Chapter 168, as amended by Acts 1939, Fortieth Legislature, page 397, Chapter 5; providing severability; and declaring an emergency."

To Committee on Insurance.

By Senator Vick:

S. B. No. 293, A bill to be entitled "An Act amending Articles 4802, 4808, 4809, 4811, 4816, and 4817, and repealing Article 4813, of the Revised Civil Statutes of Texas, 1925; providing severability; and declaring an emergency."

To Committee on Insurance.

By Senator Vick:

S. B. No. 294, A bill to be entitled "An Act adding to Chapter 7 of Title 78 of the Revised Civil Statutes of Texas, 1925, an Article to be known as Article 4819a of such statutes; such added Article providing that domestic local mutual aid associations, Statewide life, health and accident associations, mutual assessment life, health and accident associations, burial associations, and other similar concerns, may convert into mutual legal reserve insurance companies operating under the provisions of said Chapter 7; and prescribing the regulations, conditions, and procedure under which such transformation may be accomplished, and the effects thereof; providing severability; and declaring an emergency."

To Committee on Insurance.

By Senator Vick:

S. B. No. 295, A bill to be entitled "An Act adding to Chapter 8 of Title 78 of the Revised Civil Statutes of Texas, 1925, an Article, to be known as Article 4859, providing that when

the Chairman of the Board of Insurance Commissioners shall become convinced that there is or has been gross mismanagement of the affairs of domestic fraternal benefit societies, he shall have the privilege and duty of summoning a meeting of the members of the society or the governing body, directorate, or officers thereof, or any part of any such, and of disclosing to them his findings with respect to the affairs of such society, and allowing them an opportunity to replace the persons guilty of such mismanagement; providing severability; and declaring an emergency."

To Committee on Insurance.

By Senator Vick:

S. B. No. 296, A bill to be entitled "An Act amending Article 4924 of the Revised Civil Statutes of Texas, 1925, such Article, as hereby amended, prescribing and regulating the circumstances in, and conditions upon, which fire, marine, and inland insurance companies organized under the laws of this State may acquire, own, use and convey, and must convey, real estate and interests in real estate and liens on real estate; and providing for escheat for violation; providing severability; and declaring an emergency."

To Committee on Insurance.

By Senator Vick:

S. B. No. 297, A bill to be entitled "An Act amending Section 1 of Article 4932 of the Revised Civil Statutes of Texas, 1925; fixing the amount of net retentions permissible without reinsurance in fire, marine and inland risks by companies incorporated under the laws of the United States or any State of the United States and by companies incorporated under the laws of foreign or alien jurisdiction; and requiring reinsurance of excess risks over such permissible net retentions; providing severability; and declaring an emergency."

To Committee on Insurance.

By Senator Vick:

S. B. No. 298, A bill to be entitled "An Act amending Article 5007 of the Revised Civil Statutes of Texas, 1925; such Article, as hereby amended, prescribing and regulating the circumstances in, and conditions upon, which insurance companies incorporated

under the provisions of Chapters 2 and 18 of Title 78 of such Statutes may acquire, own, use, and convey, and must convey, real estate and interests in real estate and liens upon real estate; and providing for escheat for violation; providing severability; and declaring an emergency."

To Committee on Insurance.

By Senator Vick:

S. B. No. 299, A bill to be entitled "An Act amending Article 5017 of the Revised Civil Statutes of Texas, 1925, as continued or amended by Acts 1929, Forty-first Legislature, First Called Session, page 32, Chapter 11, Section 1; providing severability; and declaring an emergency."

To Committee on Insurance.

By Senator Vick:

S. B. No. 300, A bill to be entitled "An Act amending Article 5017d of the Revised Civil Statutes of Texas, as added by Acts 1929, Forty-first Legislature, First Called Session, page 32, Chapter 11, Section 1; providing severability; and declaring an emergency."

To Committee on Insurance.

By Senator Vick:

S. B. No. 301, A bill to be entitled "An Act amending and supplementing Article 5017e of the Revised Civil Statutes of Texas, as added by Acts 1929, Forty-first Legislature, First Called Session, page 32, Chapter 11, Section 1, by adding thereto a provision that if the assets of a Lloyd's Association under joint control of its Attorney-in-Fact and the Board of Insurance Commissioners be placed with a Custodian selected and employed by such Board, such Lloyds shall pay a reasonable fee for such Custodian's services, to be fixed by such Board, not exceeding \$100 per annum; providing severability; and declaring an emergency."

To Committee on Insurance.

By Senator Vick:

S. B. No. 302, A bill to be entitled "An Act amending and supplementing Section 12 of Acts 1939, Forty-sixth Legislature, p. 401, Chapter 6, (S. B. No. 135, now set forth as Article 5068-1 of Vernon's Texas Civil Statutes, Annotated) by adding to such Section 12 a provision that an asso-

ciation subject to the provisions of such Act (S. B. No. 135, Article 5068-1) must increase its rate of contribution to its mortuary or relief fund when it shall appear from statistics furnished to the Board of Insurance Commissioners by all Associations subject to such Act and from the individual Association's experience that the existing rate of contribution to such fund by its outstanding certificates is insufficient to pay in full all obligations on such outstanding certificates as they mature in future; that such an Association shall not be required to increase such rate of contribution to such fund beyond that necessary to accomplish such purpose; and that a schedule of increased rates under Sections 11 or 17 or such Act or increased rate of contribution to such fund under such Section 12 must be equitable for the different ages of insureds; providing severability; and declaring an emergency."

To Committee on Insurance.

By Senator Vick:

S. B. No. 303, A bill to be entitled "An Act repealing prospectively Article 4752 of the Revised Civil Statutes of Texas, 1925, as amended by Acts 1941, Forty-seventh Legislature, page 797, Chapter 495; providing that henceforth no new insurance companies with limited capital stock as provided in such repealed amended Article shall be created; and providing that limited capital stock companies already incorporated and operating under such repealed Article may continue to operate thereunder upon certain prescribed conditions; providing severability; and declaring an emergency."

To Committee on Insurance.

By Senator Vick:

S. B. No. 304, A bill to be entitled "An Act amending Article 4726 of the Revised Civil Statutes of Texas, 1925, as amended by Acts 1931, Forty-second Legislature, page 96, Chapter 62; such amended Article, as hereby amended, prescribing and regulating the circumstances in, and conditions upon, which insurance companies organized under the provisions of Chapter 3 or Chapter 7 of Title 78 of such statutes may acquire, own, use, and convey, and must convey, real estate and interests in real estate and

liens upon real estate; and providing for escheat for violation; providing severability; and declaring an emergency."

To Committee on Insurance.

By Senator Vick:

S. B. No. 305, A bill to be entitled "An Act amending Articles 4717, 4718, and 4720 of the Revised Civil Statutes of Texas, 1925; providing severability; and declaring an emergency."

To Committee on Insurance.

By Senator Vick:

S. B. No. 306, A bill to be entitled "An Act amending the provisions of Article 4686 of the Revised Civil Statutes of Texas, 1925, as amended by Acts 1933, Forty-third Legislature, page 420, Chapter 164; and repealing all laws or parts of laws in conflict with such amended Article as hereby amended; providing severability; and declaring an emergency."

To Committee on Insurance.

By Senator Vick:

S. B. No. 307, A bill to be entitled "An Act amending Articles 4700, 4701 and 4702 of the Revised Civil Statutes of Texas, 1925; and amending and supplementing Section 2 of Article 4704 of such Statutes as said Section was added or amended by Acts 1927, Fortieth Legislature, page 155, Chapter 103 and by Acts 1935, Forty-fourth Legislature, page 492, Chapter 205; and providing that upon incorporation of a par-value stock corporation by original charter, and upon the formation of a corporation by original or amended charter, authorized to issue any non-par value stock, either under Chapters 2 and 3 of Title 78 of such Statutes or under Chapter 2 and any other Chapter of such Title, such corporation shall be required to have a fully paid up surplus at least equal to fifty per cent of its authorized capital stock, up to a required surplus of One Hundred Thousand Dollars; providing severability; and declaring an emergency."

To Committee on Insurance.

By Senator Vick:

S. B. No. 308, A bill to be entitled "An Act providing school districts may remain independent districts regardless of scholastic enrollment; and declaring an emergency."

To Committee on Education.

By Senators Lanning and Graves:

S. B. No. 309, A bill to be entitled "An Act amending Section 3 of S. B. No. 154, Chapter 19, Acts of the Regular Session of the Forty-fourth Legislature, providing for a reduction in the number of directors of the Brazos River Conservation and Reclamation District; providing the terms of such directors, the method of appointment, and the confirmation of such appointments by the Senate; and declaring an emergency."

To Committee on State Affairs.

By Senator York:

S. B. No. 310, A bill to be entitled "An Act to amend Section 2, H. B. No. 903, Acts of the Regular Session of the Forty-sixth Legislature so as to make it possible for dishes, receptacles or utensils to be sterilized with a chlorine solution; and declaring an emergency."

To Committee on Public Health.

By Senator Stone (by request):

S. B. No. 311, A bill to be entitled "An Act authorizing the public school board to revise leases affecting all islands, salt water lakes, bays, inlets, marshes and reefs owned by the State within tidewater limits, and that portion of the Gulf of Mexico within the jurisdiction of Texas, upon such terms and considerations as the school land board may consider fair and advantageous to the State, authorizing the school land board to execute supplemental instruments accomplishing such revision after proposal or proposal for the same in a public document to the school land board, but which supplemental instruments shall reserve to the State a free royalty of at least one-eighth (1/8) of the oil or gas on such tracts; and declaring an emergency."

To Committee on Oil, Gas, and Conservation.

By Senator Ramsey:

S. B. No. 312, A bill to be entitled "An Act governing the compounding and dispensing of drugs and filling of physicians' prescriptions; prescribing the conditions under which a temporary license may be issued for the duration of the war and six months thereafter; suspending the existing laws or parts of laws in conflict herewith for the duration of the present

war and six months thereafter; and declaring an emergency."

To Committee on Public Health.

By Senator Lane:

S. B. No. 313, A bill to be entitled "An Act to amend Article 525 of the Penal Code of the State, 1925; and declaring an emergency."

To Committee on Criminal Jurisprudence.

By Senator Aikin:

S. B. No. 314, A bill to be entitled "An Act making an emergency appropriation for the support and maintenance of the Eleemosynary Institutions in Texas."

To Committee on Finance.

By Senator Jones:

S. B. No. 315, A bill to be entitled "An Act making an appropriation of Fifteen Thousand (\$15,000.00) Dollars to the State Treasurer of Texas for the purpose of buying the unused note stamps; setting out legislative intent; and declaring an emergency."

To Committee on Finance.

By Senator Metcalfe:

S. B. No. 316, A bill to be entitled "An Act creating the Conservation Commission of Texas; providing the qualifications, terms of office, method of appointment, and powers and duties of said Commission; transferring all jurisdiction, powers, duties, rights and authority heretofore conferred upon the Railroad Commission of Texas relating to the conservation of oil, gas and regulating gas utilities, pipe lines and common purchasers of oil to said Commission; providing that all existing orders, rules, and regulations promulgated by the Railroad Commission of Texas shall remain in full force and effect; providing for the appointment of an Executive Director, defining his qualifications, duties and powers; providing that all taxes levied for the benefit of the Railroad Commission in relation to the conservation of oil, gas and regulating gas utilities, pipe lines, and common purchasers of oil, shall be used by the Conservation Commission and prohibiting their use by the Railroad Commission; transferring all unexpended appropriations from said funds of the Railroad Commission to the Conservation Commission of Texas; repealing all laws in

conflict herewith; and declaring an emergency."

To Committee on State Affairs.

By Senator Metcalfe:

S. B. No. 317, A bill to be entitled "An Act amending Section 19, of Article 3, of Chapter 173, the same being H. B. No. 20, Acts of the Regular Session of the Forty-seventh Legislature, by reducing the fees charged therein; and declaring an emergency."

To Committee on Highways and Motor Traffic.

By Senator Metcalfe:

S. B. No. 318, A bill to be entitled "An Act to amend Section 2, S. B. No. 83, Acts of the Regular Session of the Forty-second Legislature, and S. B. No. 397, Acts of the Regular Session of the Forty-sixth Legislature; and declaring an emergency."

To Committee on Insurance.

By Senator Mauritz:

S. B. No. 319, A bill to be entitled "An Act authorizing the allowance of traveling expenses not to exceed Twenty-five (\$25) Dollars per month for each county commissioner in counties having a population of not less than twenty-four thousand, nine hundred and twenty (24,920) and not more than twenty-five thousand, two hundred, according to the last preceding or any future Federal Census and having a tax valuation of not less than Thirteen Million (\$13,000,000) Dollars nor more than Twenty Million (\$20,000,000) Dollars; and declaring an emergency."

To Committee on State Affairs.

By Senator Vick:

S. B. No. 320, A bill to be entitled "An Act to aid the Brazos River Conservation and Reclamation District of Texas in controlling the flood waters of the Brazos River water shed, declared to be a public calamity; granting and donating within certain limitations to said District all of the State ad valorem taxes in certain counties within the District for a period of ten (10) years; providing for the distribution and the use of the moneys so granted; providing for the segregation of said funds in the State Treasury; providing for a system of accounting; providing that said tax



diversion shall be based on 1943 valuation; providing that the Attorney General shall have the right to meet with the commissioners' courts in preparing assessments; providing the duties for certain State officials; defining certain additional powers and duties of the District and its directors; amending S. B. No. 154, Chapter 19, Acts of the Forty-fourth Legislature, Regular Session, 1935; declaring the provisions of this Act to be severable; and declaring an emergency."

To Committee on State Affairs.

By Senator Graves:

S. B. No. 321, A bill to be entitled "An Act to provide for the clearing at par of checks drawn on any bank or trust company organized under the laws of this State; providing that this law shall not be applicable where checks are sent to banks and trust companies as special collection items, and providing for penalties for the violation thereof; and declaring an emergency."

To Committee on Banking.

By Senator Moffett:

S. B. No. 322, A bill to be entitled "An Act for the organization and coordination of defense activities in Texas; authorizing the Governor to establish by proclamation a State Defense Council, or other similar body, and such personnel as may be necessary to carry out the provisions of this Act; providing that the Council shall consist of the Governor, as chairman, and the heads of State agencies, departments, and other institutions whose legal functions relate to important phases of the war effort; requiring the heads of such agencies to give all practical assistance in carrying out the provisions of this Act when requested to do so by the Governor or Council; making an appropriation to cover certain expenses for the period ending August 31, 1943, and an appropriation for the year ending August 31, 1944, and for the year ending August 31, 1945; enumerating the items covered in such appropriation and the manner of making expenditures under this Act; providing for the term of this Act and the appropriation made herein; authorizing the Governor to appoint the county judge of each county as County Defense Coordinator; authorizing the Governor to appoint the mayor of each incorporated city as

Municipal Defense Coordinator; providing for the functions, powers and duties of such local defense coordinators; authorizing the governing authorities of the counties and incorporated cities to make certain expenditures authorized in this Act; limiting the amount of such expenditures; defining the powers and duties of the Governor under this Act; authorizing the appointment of a State Property Officer, who may be an employee of a State agency or a private citizen, and requiring a bond and payment of the premium thereof; prescribing the method of handling monies received for and in behalf of the State in connection with war or defense activities described in this Act; authorizing political subdivisions to accept public or private funds, or property, and to have full authority to handle the same for the purposes authorized in this Act; authorizing the Governor to order carried out any precautionary measures against air raids, or any other forms of attack, in practice or otherwise; making it mandatory on the mayor or county judge of each political subdivision to carry out such precautionary measures as promulgated by the Governor; providing that neither the State nor any political subdivision of the State shall be liable for personnel injury or property damage sustained by any person under this Act; providing the only conditions under which agents or representatives of the State or any political subdivision thereof, or any civilian defense worker, or other persons carrying out the provisions of this Act, shall be liable for the death of or injury to persons, or for property damage, as the result of any civilian defense activity; providing for the punishment for the violation of any provision of this Act; containing a savings clause; and declaring an emergency."

To Committee on Finance.

#### Messages from the Governor

The following message from the Governor was received, and was read and referred to the Committee on Nominations of the Governor:

Austin, Texas,  
March 11, 1943.

To the Senate of the Forty-eighth Legislature:

I ask the advice, consent and con-

firmation of the Senate with respect to the following appointments:

To be Branch Pilots for the Galveston Bar and Houston Ship Channel for two year terms expiring March 11, 1945:

Captain Henry Corry of Houston, Harris County;

Captain H. C. Cage of Houston, Harris County;

Captain W. E. Dunlap of Houston, Harris County;

Captain Roy C. Blodgett of Houston, Harris County.

Respectfully submitted,  
COKE R. STEVENSON,  
Governor of Texas.

The following message from the Governor was received and was read:

Austin, Texas,  
March 10, 1943.

To the Senate of the Forty-eighth Legislature:

In compliance with S. C. R. No. 29, I am returning herewith S. B. No. 137 to the Senate.

Respectfully submitted,  
COKE R. STEVENSON,  
Governor of Texas.

**Appointment of Committee to Escort  
Hon. Fulton Lewis, Jr.**

The President pro tempore announced the appointment of the following committee to escort Hon. Fulton Lewis, Jr., to the joint session to be held in the Hall of the House of Representatives today pursuant to S. C. R. No. 30:

Senators Metcalfe, Lanning, Lane, Moffett, and Brownlee.

**Communication from General  
MacArthur**

The President pro tempore laid before the Senate, and had read, the following telegraphic communication:

March 10, 1943.

Speaker Price Daniel, Lieutenant Governor John Lee Smith, and Chief Clerk Clarence Jones, Texas Legislature, Austin, Texas:

Deeply grateful for your inspiring message. Little by little we even the score.

MACARTHUR.

**Message from the House**

Hall of the House of Representatives,  
Austin, Texas,  
March 10, 1943.

Hon. John Lee Smith, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills and resolutions:

S. B. No. 129, A bill to be entitled "An Act limiting the hours of labor and prescribing wages for overtime labor of female employees employed in any factory, mine, mill, workshop, mechanical or mercantile establishment, hotel, restaurant, rooming house, theater, moving picture show, barber shop, road side drink and/or food vending establishment, telegram, telephone or other office, express or transportation company, or any State institution, or any other establishment, institution or enterprise where females are employed, any laundry, any factory engaged in the manufacture of cotton, woolen or worsted goods or articles of merchandise manufactured out of cotton goods; etc.; and declaring an emergency."

S. B. No. 114, A bill to be entitled "An Act amending Article 3184, Title 51, Chapter 2, of the Revised Civil Statutes of 1925 so as to further define the qualifications of the Superintendent of each State Hospital; etc.; and declaring an emergency."

S. C. R. No. 30, Providing for a joint session at 11:00 a. m., March 11, to hear Fulton Lewis, Jr.

H. J. R. No. 18, Proposing an amendment to Section 9 of Article 8 of the Constitution of the State of Texas, by providing that counties may levy, assess and collect such taxes as may be authorized by law but not to exceed Eighty Cents on the One Hundred Dollars' valuation in any one year; etc.; and declaring an emergency."

H. B. No. 100, A bill to be entitled "An Act requiring the registration of all labor unions; etc.; and declaring an emergency."  
(With engrossed riders.)

The House has granted the request of the Senate to return the Conference Committee report on S. B. No. 24 to the conferees.

The House has adopted:

H. C. R. No. 64, In memory of Joe L. Manry.

S. C. R. No. 31, Inviting Madame Chiang Kai-shek to address a joint session.

H. C. R. No. 65, Inviting the Hon. Prentiss M. Brown to address a joint session of the Legislature of Texas on April 14th, at 11:00 o'clock a. m.

Respectfully submitted,

CLARENCE JONES,  
Chief Clerk, House of Representatives.

#### Bills and Resolution Signed

The President pro tempore signed in the presence of the Senate, after their captions had been read, the following enrolled bills and resolution:

H. B. No. 241, A bill to be entitled "An Act amending Section 1 and Section 3 of S. B. No. 88, Chapter 205, Acts of the Regular Session of the Forty-seventh Legislature so as to provide for the payment to authorized agents for the issuance of fishing licenses issued to those who fish in the waters of Lake Worth and Eagle Mountain Lake; amending S. B. No. 88; etc.; and declaring an emergency."

H. B. No. 171, A bill to be entitled "An Act to amend Articles 7005 and 7008, Chapter 7, Title 121 of the Revised Civil Statutes, placing the Counties of Zavala and Dimmit among the exempted counties from the provisions of Chapter 7; and declaring an emergency."

H. C. R. No. 59, Requesting the War Production Board to approve application for construction of steel plant at Daingerfield, Texas.

#### Committee Substitute House Bill 79 on Passage to Third Reading

The President pro tempore laid before the Senate as the unfinished business on its passage to third reading (the bill having been read second time on yesterday):

C.S.H.B. No. 79, A bill to be entitled "An Act to accomplish the constitutional directive expressed in Article XVI, Section 16, by authorizing the incorporation of corporate bodies with banking and discounting privileges, and providing for a system of State supervision, regulation and control of banks and other financial institutions

placed under the supervision of the Banking Department, to the end that all depositors and creditors of such bodies shall be adequately protected and secured. To accomplish which general purpose Title 16 of the Revised Civil Statutes of Texas of 1925 is repealed."

With the following amendment by Senator Aikin pending:

Amend substitute for H. B. No. 79 by striking out all of Article 1, Chapter 2, page 7 of the printed substitute and inserting in lieu thereof the following:

"By and with the advice and consent of the Senate the Governor shall appoint a Banking Commissioner who shall serve for a period of two years and whose term of office shall be concurrent with that of the Governor. The Commissioner shall be a practical banker with not less than five years experience within ten years prior to his appointment. The compensation of the Commissioner shall be as fixed in the Departmental Appropriation Bill."

Question—Shall the amendment be adopted?

#### House Bill 264 on Second Reading

Senator Kelley, by unanimous consent, moved to suspend the rules prescribing limitations relative to the consideration of bills during the first 60 days of the Regular Session of the Legislature and that H. B. No. 264 be taken up for consideration at this time.

The motion prevailed by the following vote:

Yeas—26

Aikin	Mauritz
Beck	Metcalfe
Brownlee	Moffett
Bullock	Moore
Chadick	Morris
Graves	Ramsey
Hazlewood	Shivers
Jones	Spears
Kelley	Stone
Lane	Sulak
Lanning	Vick
Lovelady	Winfield
Martin	York

Absent

Weinert

Absent—Excused

Cotten	Formby
Fain	Lemens

The President pro tempore laid before the Senate on its second reading and passage to third reading:

H. B. No. 264, A bill to be entitled "An Act repealing the Employment Agency Law as passed by the Thirty-eighth Legislature in 1923 and amended by the Forty-fifth Legislature, Second Called Session, 1937, being Articles 5208 through Article 5221, R. C. S., and Articles 1584 through Article 1593, P. C., Vernon's Texas Statutes, and repealing the Emigrant Agency Law as passed by the Forty-first Legislature, Second Called Session, 1929, being Article 5221a and Article 7047, R. C. S., and Article 1137d, P. C., Vernon's Texas Statutes; providing an Employment and Labor Agency Law for Texas; defining certain terms used in the Act; defining certain exceptions; providing a method of licensing of employment and labor agents; providing a license fee and the posting of bonds; providing for the disposition of fees collected; providing for suits on bonds; providing an occupation tax to be paid in certain cases; providing a method of record keeping to be promulgated by the Commissioner of the Bureau of Labor Statistics; providing a method of cancelling licenses by the Commissioner; providing for appeals to court; defining out-of-state agencies operating in this State; providing reports to be made of workers sent out of the State; providing a schedule of fees; providing receipt forms; prohibiting certain acts; prohibiting untruths by employer or applicant; providing for the display of license and law; declaring it to be a violation to operate without a license; defining the duties and authority of the Commissioner; providing for enforcement by civil proceedings; providing penalties; providing a savings clause; repealing conflicting laws; and declaring an emergency."

The bill was read second time and was passed to third reading.

#### House Bill 264 on Third Reading

Senator Kelley moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 264 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—26

Aikin	Mauritz
Beck	Metcalfe
Brownlee	Moffett
Bullock	Moore
Chadick	Morris
Graves	Ramsey
Hazlewood	Shivers
Jones	Spears
Kelley	Stone
Lane	Sulak
Lanning	Vick
Lovelady	Winfield
Martin	York

Absent

Weinert

Absent—Excused

Cotten	Formby
Fain	Lemens

The President pro tempore then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—26

Aikin	Mauritz
Beck	Metcalfe
Brownlee	Moffett
Bullock	Moore
Chadick	Morris
Graves	Ramsey
Hazlewood	Shivers
Jones	Spears
Kelley	Stone
Lane	Sulak
Lanning	Vick
Lovelady	Winfield
Martin	York

Absent

Weinert

Absent—Excused

Cotten	Formby
Fain	Lemens

#### Report of Standing Committee

Senator Lanning, by unanimous consent, submitted at this time the following report:

Austin, Texas,

Hon. John Lee Smith, President of the Senate.

Sir: We, your Committee on Finance to whom was referred

S. B. No. 216, A bill to be entitled "An Act to appropriate funds out of

the General Revenue Fund of the State of Texas to pay for the costs of giving college entrance examinations by the State Superintendent of Public Instruction for the remaining biennium of 1942-43 and for the regular biennium of 1943-45; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that the Committee substitute hereto attached do pass and be printed in lieu of the original bill.

LANNING, Chairman.

#### Hour to Which Senate Shall Adjourn

Senator Winfield moved that upon conclusion of the joint session to be held today in the Hall of the House, pursuant to S. C. R. No. 30, the Senate stand adjourned until 10:00 o'clock a. m., Monday, March 15, 1943.

The motion prevailed.

#### Record of Vote

Senator Aikin asked to be recorded as voting "nay" on the motion by Senator Winfield to adjourn until 10:00 o'clock a. m., March 15, 1943.

#### Joint Session

(To Hear Hon. Fulton Lewis, Jr.)

At 11:00 o'clock a. m., President pro tempore Mauritz announced the arrival of the hour for the joint session to be held pursuant to S. C. R. No. 30 to hear Hon. Fulton Lewis, Jr., and requested the Senators to proceed in a body to the Hall of the House of Representatives.

The Honorable Senators were announced at the Hall of the House and were duly admitted and escorted to seats prepared for them in the center aisle of the Hall.

President pro tempore Mauritz occupied a seat on the Speaker's rostrum.

The Honorable Fulton Lewis, Jr., and his party, accompanied by the Honorable Coke Stevenson, Governor of Texas, were announced at the bar of the House and escorted to the Speaker's rostrum by Senators Metcalfe, Moffett, Lane, Lanning, and Brownlee, on the part of the Senate, and by Representatives Williamson, Senterfitt, Bell of DeWitt, Jones, Car-

ington, and Stubbs, on the part of the House.

The President pro tempore called the Senate to order and ascertained and announced the presence of a quorum of the Senate.

The Speaker of the House ascertained and announced the presence of a quorum of the House, and announced the purpose of the joint session.

The President pro tempore presented Senator Penrose B. Metcalfe, who introduced Hon. Fulton Lewis, Jr.

Mr. Lewis then addressed the joint session and the assemblage.

At the conclusion of the address, the President pro tempore (at 11:50 o'clock a. m.) declared the Senate adjourned until 10:00 o'clock a. m. Monday, March 15, 1943, in accordance with a motion previously agreed to by the Senate.

#### THIRTY-FOURTH DAY

(Monday, March 15, 1943)

The Senate met at 10 o'clock a. m., pursuant to adjournment, and was called to order by the President.

The roll was called, and the following Senators were present:

Aikin	Metcalfe
Brownlee	Moffett
Bullock	Moore
Chadick	Morris
Cotten	Ramsey
Graves	Shivers
Hazlewood	Stone
Jones	Sulak
Lane	Vick
Lanning	Weinert
Lovelady	Winfield
Martin	York
Mauritz	

A quorum was announced present.

Rev. George W. Coltrin, Chaplain of the House, on invitation of the President, offered prayer.

On motion of Senator Aikin, and by unanimous consent, the reading of the Journal of the proceedings of Thursday, March 11, 1943, was dispensed with and the Journal was approved.